

**SCHUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WAXMAN CONSUMER PRODUCTS)	
GROUP INC.,)	
)	Civil Action No.: 1:14-cv-1195
Plaintiff,)	
)	
vs.)	COMPLAINT FOR
)	PATENT INFRINGEMENT
PFISTER, INC.,)	
SPECTRUM BRANDS, INC., and)	JURY TRIAL DEMANDED
SPECTRUM BRANDS)	
HOLDINGS, INC.)	
)	
Defendants.)	

Plaintiff, Waxman Consumer Products Group Inc., for its complaint against Defendants Pfister, Inc., Spectrum Brands, Inc., and Spectrum Brands Holdings, Inc., (“Defendants”), alleges as follows:

THE PARTIES

1. Plaintiff Waxman Consumer Products Group Inc. (“Waxman”) is a Delaware company having its principal place of business at 24455 Aurora Road, Bedford Heights, Ohio, 44146.

2. Defendant Pfister, Inc. (“Pfister”) is a Delaware company having its principal place of business at 19701 DaVinci, Lake Forest, California 92610.

3. Defendant Spectrum Brands, Inc. (“Spectrum Brands”) is a Delaware company having its principal place of business at 3001 Deming Way, Middleton, Wisconsin, 53562.

4. Defendant Spectrum Brands Holdings, Inc. (“SB Holdings”) is a Delaware company having its principal place of business at 3001 Deming Way, Middleton, Wisconsin, 53562.

5. Upon information and belief, Pfister is a wholly owned subsidiary of Spectrum Brands.

6. Upon information and belief, Spectrum Brands is a wholly owned subsidiary of SB Holdings.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the patent laws, Title 35 of the United States Code.

8. This Court also has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).

BACKGROUND FACTS

10. On September 26, 2006, the United States Patent and Trademark Office (“USPTO”) granted U.S. Patent No. 7,111,795 for an invention entitled “Revolving Spray Shower Head” (“the ’795 patent”). A true and correct copy of the ’795 patent is attached hereto as Exhibit A. The inventor of the claimed subject matter of the ’795 patent is Chow Hwa Thong. The ’795 patent is assigned on its face to Waxman.

11. Waxman owns the ’795 patent and has the right to enforce the patent and collect damages for infringement thereof.

12. With over 70 years of experience in the plumbing and hardware-products business, Waxman has developed the HydroSpin® and TurboSpin® line of shower heads, marked by eye-catching aesthetics that appeals to consumers who seek to cultivate a spa experience at home. All the while, Waxman is committed to quality, backing its HydroSpin® and TurboSpin® products with substantial warranties. Waxman promotes and offers for sale in the United States and this judicial district the HydroSpin® and TurboSpin® products.

13. On information and belief, Pfister, alone and through authorized representatives, offers for sale and sells a shower head under the product name X-Spin Showerhead (Item No. 020-SPNC) (“the X-Spin product”). A true and correct copy of product literature for the X-Spin product is attached hereto as Exhibit B.

14. On further information and belief, Pfister, alone and through authorized representatives, offers for sale and sells the X-Spin product throughout the United States, including this judicial district.

15. On information and belief, Defendants have sold and offered for sale the X-Spin product within this judicial district via menards.com, *see* Exhibit C, and at the Menards stores in Ontario, Ohio (Richland County) and Massillon, Ohio (Stark County). Exhibit D (highlighted).

COUNT I
(PATENT INFRINGEMENT)

16. Paragraphs 1-15 are re-alleged and restated as if fully set forth herein.

17. By virtue of the foregoing activities of Defendants concerning the X-Spin product, Defendants have directly infringed, and will continue to directly infringe, one or more claims of the '795 patent, in violation of 35 U.S.C. § 271(a).

18. Upon information and belief, Defendants' infringement was and is willful and deliberate, and will continue unless enjoined by this Court.

19. As a result of the infringement of the '795 patent by the Defendants, Waxman has suffered, and continues to suffer, irreparable harm and damages in an amount to be established at trial.

PRAYER

WHEREFORE, Plaintiff Waxman Consumer Products Group Inc. respectfully requests that the Court enter judgment in their favor on all counts and:

A. Permanently enjoin Defendants, and their officers, employees, servants, and agents, and all persons in active concert with any of them, against any further acts of direct infringement under 35 U.S.C. § 283, including without limitation importing, manufacturing, offering for sale, and/or selling the X-Spin product.

B. Order Defendants to pay, in accordance with 35 U.S.C. § 284, damages adequate to compensate Waxman, but in no event, less than a reasonable royalty for the use made of the inventions, together with interest and costs.

C. Grant Plaintiff Waxman such other and further relief as the Court may deem proper and just under the circumstances.

DATED: June 3, 2014

Respectfully submitted,

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**

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DEMAND FOR JURY TRIAL

Plaintiff Waxman hereby demands a trial by jury of all issues so triable in this action.

DATED: June 3, 2014

Respectfully submitted,

**BENESCH, FRIEDLANDER,
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